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07-AFC-6

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TO: Mike Monasmith
California Energy Commission
1516 Ninth St, MS-2000
Sacramento, CA 95814

VIA Electronic Mail: mmonasmi@energy.state.ca.us

CC: Jonathan Bishop, State Water Resources Control Board, JSBishop@waterboards.ca.gov

FROM: Surfrider Foundation

DATE: 27 April 2011

RE: Carlsbad Energy Center (Docket No. 07-AFC-6) – CONDITIONAL SUPPORT

Dear Commissioners Boyd and Eggert:

I am writing on behalf of Surfrider Foundation and our more than 30,000 members in California in conditional support of the Carlsbad Energy Center project.

As you may know, Surfrider Foundation is dedicated to the protection and restoration of our coasts and oceans. We have been very active in support of the State's efforts to eliminate the use of "once-through cooling" (OTC) by power generating facilities located on our coast and estuaries. The time is long since overdue to eliminate the unnecessary impingement and entrainment of our precious marine life, and the unacceptable adverse impacts on marine ecosystems. We are also supportive of the State's efforts to transition to a suite of renewable energy projects to minimize greenhouse gas emissions. Of particular concern to Surfrider Foundation are the inevitable and irreversible consequences of sea level rise, ocean acidification and other adverse effects on our precious coastal and ocean resources that will result from not taking immediate action.

With those concerns in mind, we support the application by NRG West to eliminate Encina Power Station's Units 1,2 and 3 as soon as possible in order to proceed with re-powering the energy station with the proposed replacement generator. While we would obviously prefer re-location of the Carlsbad Energy Center away from our coast, we are convinced, and reluctantly accept, that this option is not feasible for this particular project.

Our support is based on the project benefits of eliminating OTC at this energy station and re-powering with an efficient generator designed to meet grid reliability demands as the region transitions to a renewable portfolio.

However, we want to be perfectly clear that our support for the project is conditional on the retirement and complete removal of all the existing units as soon as possible.

We have not had the opportunity to review NRG's "Implementation Plan" for compliance with the Policy on Cooling Water Intakes recently adopted by the State Water Resources Control Board. However, it is our understanding that NRG is proposing to study the use of alternative fish protection devices under Track 2 of that policy in order to continue the operation of the power station. Further, we understand the Implementation Plan argues that the issuance of a NPDES permit by the Regional Water Quality Control Board for co-location of an ocean desalination facility should somehow influence the continued withdrawal of 304 million gallons for Units 4 and/or 5. This argument would be flawed in that the NPDES permit provides for reconsideration of the seawater withdrawal once the existing power plant discontinues operations. In other words, the Regional Board foresaw the elimination of the entire cooling water withdrawal for the power plant in the permit issued for the ocean desalination facility, and made provisions for that eventuality in the NPDES permit. It is entirely irrelevant to the plans for implementing the power plant's mandatory reduction of marine life mortality.

Without assurances that this implementation plan is temporary in nature, and inclusive of a date certain for retirement of all the existing units as soon as possible, we want to make it perfectly clear that we would withdraw our support for the re-power project. This caveat to our support of the application before you is based on our understanding that Units 4 and 5 are not absolutely necessary for grid reliability once the re-power project is complete. Therefore, unlike our reluctant acceptance of the site for this project, we do not believe that retirement and removal of Units 4 and 5 is infeasible. In fact, we believe that this site, and the unique design of the existing cooling water intake structure, render the efficacy of fish exclusion devices questionable at best, but more likely infeasible for meeting the performance standards established in the State Water Resources Control Board's policy.

So, as part of our support for certification of the Carlsbad Energy Center project application, we request the Energy Commission, in their advisory role on the State Water Resources Control Board's "Statewide Advisory Committee on Cooling Water Intake Structures" ensure alternative grid reliability options to eliminate the need for continued operation of Units 4 and 5 in as short a time period as possible.

Thank you for your attention to this comment letter. Please do not hesitate to contact us if you have questions regarding our conditional support. We look forward to the re-powering of the Encina Power Station and the timely elimination of all the existing units and full compliance with the intent of the Policy on Cooling Water Intakes and the State's transition to a renewable energy portfolio.

Sincerely,



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